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FULL LEASED WIRE ASSOCIATED PRESS

ARDMORE, OKLAHOMA English OCTOBER 21, 1921

Futile to Believe Stoppage of Work Will Change Laws, Leader Tells Miners

WORKERS DOING SELVES AN INJURY

Reference Made to Howat and Others as False Prophets on Way to Disaster

for the immediate resumption of work been lifle since their deposed leaders, Alexander Howat was sent to juil. COMMUNITY SING was issued today by President John L. Lewis of the United Mine Workers union miner in Kansas.

Those who urged the Kansas mine workers to continue idle in violation of the joint agreement are but false leaders pointing the road said Mr. to inevitable disaster." to approaching wage negotiations affeeting the entire coal industry of is to come," calling for unity among vention Hall at 7:39 o'clock, all miners.

In his letter Mr. Lewis referred groups, chief of which will be the from Ford's grasp.

Welfare Depends on Character Workers of America," the letter con- in the group of popular songs will tinued "depends upon its observance be "Long, Long Trail," "Perfect Day, of the contracts which it negotiates "Til We Meet Again," "Old Pat of and the honorable liquidation of the Mine," "Pack up Your Troubles." obligations thereunder assumed. It is not possible for the international B. Wall, the leader, that he will rencontinuance of a condition in any dis- Noll, who will be his accompanist trict wherein the joint wage agreement is violated with impunity and school glee cleb is in the hands of tion transgressed and ignored. Such part of the special program. was the condition in district 14 (Kansas) and by the same token the international union has interferred to bring order out of chaos and compel obedience to its laws."

Further, the letter asserted, it was a "deliberate falsehood" to say the international union would permit changed working conditions at the ing that chilroads must "operate in dustrial Court. Legal attacks on the in a special message to the public sure," and the letter added that the will be justified in taking possession international union would soon insil- of these properties and operating tute legal proceedings to challenge them in the interest of all the peoall the law's provisions which labor regards as unconstitutional

Miners Doing Selves Injury "The mine workers of Kansas are only doing themselves an injury by refraining from work under present circumstances," continued the letter. "It is futile to believe that a stop page of work will change the law Laws are only charged in Amera by the force of public opinion manifested through the state legislatures urge the Kansas miners to continue idle in violation of the joint agreethe road to inevitable disaster. mines should be immediately placed at dressing stations, in operation without further Local unions should immediately call special meetings for the purpose of putting this policy into effect."

Enid Man Calls Bluff of Klansmen and Saw Thousand at Meeting

ENID, Okla., Oct. 21.-V. D. Bradburn of this city received a warning here early Thursday evening. signed K. K. K., relative to domestic He doubted the authenticity of the signature and on the way to inform the sheriff of the receipt of the notice, he heard rumors that the Klansmen were to hold a meeting later in the evening.

Riring a taxicab he drove to the race track three milles from town and ran onto five masked men who ceived the idea of bringing children the story the police say he told the street from his home and although Jan. 10, 1917, them. He told the police he believed the infirmities of 75 years and his the masked men were Klansmen, and asked them if they had written the According to his statement.

Bradburn declared there were about one thousand automobiles parked while Videtto sits on the veranda of around the race track, the police said, his home or mingles with them to tell and that a body of men which he again the stories they love to hear. saw from a distance was gathered

CHICAGO CHINATOWN NOW HAS ENGLISH SCHOOL

CHICAGO, Oct. 21. - Located in the heart of Chicago's Chinatown near

Hold Up Strike by Arbitration

EIGHT PAGES

Baxter Sentenced to 20 ARDMUKE AIRMEN Railroad Labor Board Fails to RESUMPTION OF Years in Penitentiary WILL CARRY MAIL **WORK AT MINES** Defendant Testified Shoot- IF STRIKE CALLED ROLLED DOWN HOSE NOW DOLLED UP WITH FRILLS

NEW YORK, Oct. 21,-These rolled-down stockings that the young women have been wearing

been giving the orthodox quite a joit. They got another, the other day, when a New York girl returning from France ex hibited some lacy frills with which Parisians are crowning the rolls It's getting a bit late for such summery frills, but a fur top for stockings is now under consideration for the coming winter.

INDIANAPOLIS, Oct. 21.—A call TWO ARTISTS WILL by Kansas coal miners who have BE ON PROGRAM OF

of America in a letter sent to every Selections Are Grouped to Fit Occasions and Periods of Time

to his suspension of Howat and others patriotic group including "America," as officials of the Kansas district. "Star Spansied Banner." "Battle Hymn "Star Spangled Banner," "Battle Hymn declaring this action followed the of the Republic," and "Oklahoma, decision tf the international union's Old southern melodies group will inrecent action directing that strikers clude 'Dixie," "My Old Kentucky at two mines be ordered back to work. Home," "Old Folks at Home," "Sewance River," "Massa's in the Cold, "The welfare of the United Mine Cold Ground," and "Old Black Jpe.

Mr. Wall has advised Mrs. Minnie union to countenance or permit the der several selections, as will Mr. The program for the senior high the organic laws of the organiza- the leader, and it probably will be a

Railroads Must Operate Here, Governor Says

OKLAHOMA CITY, Oct. 21.-Warntwo mines or that the union was act- this state, regardless of the strike." lag in sympathy with the Kansas In- was sounded by Governor Robertson law by Howat and other deposed given to The Associated Press, Vol-Ransus union officials were said to unteers will be found to operate "not strike at the heart of the mea | freight trains at least and the state ple, should occasion demand." message stated.

TURKEYS SCARCER FOR HOLIDAYS THIS YEAR

OKLAHOMA CITY, Oct. 21.-Thanks. sanitavium. giving and Christmas turkeys will be scarcer this year than last, it was and the federal congress. Those who indicated at the annual convention here of the Oklahoma Poultry and Egg Association, which closed yesterday, It ment are but false leaders pointing was said prices for the holiday bird All Will range from 23 to 27 cents a pound

The association decided to affiliate with the national organization, a motion to that effect by C. L. Smith, Will Be Buried by Side of blew up his home on Wednesday. president, being adopted. The needs of standardizing the handling of poultry by shippers was discussed by Roy S. Potis of the bureau of markets at Washington.

Civil War Veteran **Builds Playground**

war, crippled and partly blind, has side her husband on Lookout Mounlaid out a playground near his home tain, overlooking Denver. here so that he may listen to the voices of children.

and told the pupils war stories. When March 6th, 1866, when the painsafter the most recent of several acci- man was only 21 years old. At that dents he was obliged to give up ac- time, Cody had already killed an "intive work as a stone mason, he con- jun to him. He purchased land across all of whom are dead. Cal Caly died cleared away the underbrush, and Strike Threats Should built seats, swings and tilting boards

for his child friends. Here the children gather each day

Okmulgee Judge Refuses to O. K. Tribal Vouchers

MUSKOGEE, Okla., Oct. 21.-Indian agency officials today said that County Wentworth avenue and 22nd Street Judge Hugh Murphy of Okmulgee is the Chinese Y. M. C. A., which county who has announced his oppoduring the past week has come into sition to the removal of Jackson Bar- will have had time to arrrive at their new popularity among the young men nett, millionaire. Creek Indian from The reason for that county to Muskogee, is refusing this lies in the fact that it has just to approve any vouchers issued by the started a school for young men and office of the Five Civilized Tribes here children in which they can learn for the expenditure of any restricted the Civil War ended and it is not about thele new country, how to be Indian money in Okmulges county until short of wonderful that so many vetgood Americans and speak good Eng- such time as the plans for the removal erans of that war are able to attend of Barnett are abandened.

ing at Fair Grounds Was an Accident; Claims He Was Attacked

R. S. Baxter, charged with the murder of A. C. Ford, at the fair grounds near Ardmore on September 15, was found guilty of manslaughter in the first degree and sentenced to 29 years at the McAlester state penitentiary. The jury, with W. E. Spencer as foreman, brought in its ver The jury had deliberated on the case for 13 hours.

The case went to the jury at 10:20 Thursday night, at the conclusion f a night session which had been called at 7:30 o'clock. R. B. and H. torney Mathers, delivered the closing addresses to the Jury.

The attorneys for the defense based their arguments in an effort to se- of Oakley-Askew, wrote Will H. Hays. cure the acquittal of the defendant on plea of self-defense and accidental shooting. The prosecution made effort to show that Baxter had deliberately slain Ford in cold blood.

Witnesses for the prosecution testifying Thursday afternoon stated that In addition to Herbert Wall, bari- Baxter had shot Ford after the latter Lewis' letter, which also referred lahoma, the Philharmonic club will Baxter's grasp. Defense witnesses tone-tenor of the University of Ok- and attempted to break away from have Professor Noll, also of the Uni- stated that three men had jumped on feeting the entire coal industry of the United States as the "nattle which pate in the community sing at Con- of water, and that the pistal had been accidentally discharged while Bax-The program will be arranged in fer was making effort to wrest it the postmaster general:

Floyd Hit Special Officer

Zeb Floyd testified that Tom Ford, A. C. Ford and himself had gone to the fair grounds on the night of the become engaged in a struggle with Eaxter. He denied that others than the two men had engaged in the suffle, and claimed that he did not emergency mail service. Ford biting Eaxter's ear. He admitted hitting Special Officer Miller on the law, when the latter had i tried to interfere in the fight, but in cities within a hundred mile rad-Miller was an officer at the time. Tom Fuller stated during his testi-

ter's grasp, and that Ford? had im-plored Baxter, "Don't shoot me," ofter which Baxter shot. There were only two men involved in the fle, he said. After Ford fell, Fuller stated. Baxter said, "I guesa you al will jump on somebody, will you? bit my ear off." Fuller stated that Baxter still held to his gun, and remarked, "All youstand back, and then Eaxter walked toward the

building in which the poultry was

ing exhibited. Baxter Made Threat, Said Albert Holdman, special officer at the fair grounds, testified that about hour before the shooting Baxter had remarked to him "there's one -----up there and if he fools with me any more I'm gonna get him. Eaxter had a pistol at the time, said

Holdman. Dr. Walter Hardy was the next witness called. He described the naof Ford's wounds, and stated utes after he had been brought to the

While still living. Dr. Hardy said (Continued on page 2)

WIDOW OF COLONEL "BILL" CODY DEAD

Noted Frontiersman on Lookout Mountain

Frederick Cody, widow of the hate they could not give him a vise for Colonel William F. Cody (Buffalo Bill) America unless he conformed with the

oled of heart disease at her home here last night. She was 78 years old, airs, Cody's grandchildren and John refused, exclaiming maker, the festerson of Col. Cody, MEDWAY, Mass., Oct. 21.-Elmer were at her bedside. Relatives said I. Videtto, a veteran of the Civil they expected to bury Mrs. Cody be turned to his effice this morning, degree murder in a Massachusetts

For yours Videro visited the schools came the bride of William F. Cody.

The Cody's have had three children.

Not Deter Delegates

Confederate Veterans' Reunion headterfere with attendance at the re the left eye. in Chattanooga, Tenn., on October 25-27. This letter states that and the entire eyeball was removed today, the governor being out of th the close of the reunion and the very serious as infection to the tissues date the strike is to become effect back of the eyeball which line the DOLLAR MARK AND LOVER'S tive and should the strike be called at brain is feared, the appointed time the attendants

It is stated that those who attend from here will leave Sunday morning. It has been more than 56 years since

Oakley and Askew Volunteer Services With Three Well Equipped Planes;

LETTER IS SENT TO POSTMASTER GENERAL

Ready Now

thet at 11:30 o'clock this morning. Suggestion Made of Forming administration. Network of Airlines in This Section of State

H. Brown, attorneys for the defense, to aid in the delivery of mail in this beard yesterday, it was said today and J. B. Champion and County At- or other sections of the United States in union circles. in case the nation-wide strike be- three proposals to the presidents of comes effective.

postmaster general, offering the serv- duction in freight rates corresponding ice of himself and Arthur Oakley, and to the wage reduction of July 1, less three airplanes,

Both aviators have had consider since that date, able fiving experience in the army and in commercial line United States railroad labor board. out of Ardmore. Askew is recognize until the last cut has been translated ed as one of the best and safest pilots into rate reductions. in the southwest. Oakley has been devoting most of his attention to draw their rtrike order. The union stunts and dare-devil aerobatics in presidents were willing to accept the

holding a commercial license. Following is the letter in part sent "H, because of a railroad strike. there is any difficulty about making delivery of the mails in this part of Oklahoma-especially of reg-

the use of our three fully equipped air their proposed request for a ten pe service promptly upon notice. No doubt arrangements can be made with other companies owning planes

be relayed from the big centers even was trying to get away from Paxcertain mileage-say one hundred miles-in any direction from Ardgovernmental mail service.

100 COMMUNISTS SLIP INTO U.S. TO **AVENGE EXECUTION**

French Police Believe Party Men Responsible for Bomb Sent to Herrick

100 members of the young communist tion, announced this morning that organization in Europe had slipped through the immigration lines and that the wounded mun died 30 min- reached the United States within the last two months for the purpose of French Police Guard last two months for the purpose of Sacco and Vanzetti, were executed for the murder of which they were con victed in Massachusetts last summer Many of these men, the officials said, had applied for passports to the American passport bureau in Paris

and had been refused. The police are now working on the heory that some of these commuwere responsible for the bomb sent to Ambassador Herrick, which This theory is the result of a threat made by the young communist who said he was an Italian, at the American passport offices here last Mon-CODY, Wyo., Oct. 21,-Mrs. Louisa day, when the officials told him

> regulations. The applicant, who gave his age as 22, became augry when All the letters protested against to life imprisonment in the state Ambassador Herrick, when he refound 63 additional letters of protest court. They asserted that American in connection with the Massachusetts officials in France were representa-

The communist mass meeting of protest against the conviction of the two OFFICIALS IN STARE ftallans, called for tonight in one of the largest halbs in Paris, is causing some apprehension.

Enid Boy Loses Eye When Struck By Shot From Toy

According to a letter from National Randolph, was seriously injured Wednesday evening, when a steel ball bear-

Ira was removed to a local hospital there will be three full days between Thursday morning. His condition is city.

OKLAHOMA: Tonight fair, warraer: Saturday part cloudy, colder in

Administration Considers Resorting to War Power If Threats Go Much Further, Is Rumor

WASHINGTON, Oct. 21,-Whether to resort to the war powers of the federal government to maintain railway transportation in event of the threatened nation-wide strike of railway employes is understood to be under consideration today by the

Lack of any provision by the unions for suspending the railroad strike called for October 39, made it impossible to accept the plan offered by Ardmore aviators have volunteered the United State railroad labor

The board, it was said, presented the big four brotherhoods and the Dorsey Askew, acting for the firm Switchmen's Union. They were: "I. The railroads to make a re-

> such reductions as have been made The roads to refrain to the

The unions to suspend or withthe air, but is a full-fledged pflot first two, but declared they had made no arrrangements for suspend ing their strike, and some arrange ments must be made before October 20, or the walkout would automa

tically become effective. "4. The board, it was reported to day, assured the union leaders that istered or valuable mail-we wish to the railroad leaders could not get shorting and that the slain man had offer to the Postoffice Department decision for months, even if they file planes, with competent pilots, for cent wage reduction immediately. The board is understood to have pointed "These planes are ready to go into out the cases now on the docket would prevent taking up the milroad's Ira Hammer Was Charged application before next March and that the bulk of testimony naturally stated that he did not know that his of Ardmore, so that mail could ably would stave off the decision for another six months, making it highmony that it appeared to him Ford more rapidly than under the present by improbable that the roads could get an answer before next August or

September. leaders, who had already declared the plan impossible, made no effort to afternoon. sound had nothing clse to offer.

CLEVELAND, Ohlo., Oct. 21,-Upon PARIS, Oct. 21.-French police of railroad labor board, W. G. Lee, rett. ficials asserted today that more than president of the trainmen's organiza-Continued on Page Two)

American Residences that he had not seen. Hammer, but had been threatened several times

PARIS, Oct. 21.-Police authorities throughout France were today care Hammer, son of the defendant, had fully guarding American consulates testified that his father had left and other buildings occupied by citi- home while he was finishing breakzons of the United States, as a re-fast and that he carried only a dinsuit of a flood of threatening let ner bucket. At about 8:45 o'clock ters received by Myron T. Herrick, young Hammer heard three shots. the American ambassador, and Alex- while he was plowing in the field. ander M. Thackara, American consul Later he went with the officers to general here. These letters came the asphalt mine where his father as a sequel to the explosion of an in- was arrested. Upon returning homefernal machine in the home of Am- in the afternoon, he found his fathbassader Herrick on Wednesday and er's Winchester rifle behind the door were believed to point to a wide and he said it had not been fired.

this country. "Somebody will get killed for this," and Bartolomeo Vanzetti, two Ital penitentiary, His attorneys asked fans convicted last summer of first are, two of them containing threats tives of American government and

PREPARE FOR STRIKE

OKLAHOMA CITY, Oct. 21 .- Mayors, thers of pollee and sheriffs throughut the state were today believed to be planning to meet conditions which ENID, Oct. 21.—Ira Gigoux, 10 year sucd last night oy Governor Rosest- into a lamp post, breaking it off and old son of Mrs. Ethel Gigoux, 612 East 1870 through the associated Preuz. Governor Robertson, declaring that quarters received here by Henry ing on the "nigger shooter" of Affred upon (1) and county officers to begin of the affair, the current was turned Sutherland, the threatened milroad purdick, another small boy in the at once preparations for eventualities sutherland, the investment railroad Durdick, another small bay in the at the preparations for eventualities off and repairmen cleared the street strike should not be allowed to in neighborhood, struck him directly in in connection with the threatened No arrests have been made. walkout. No developments were expected here

KNOT A CENTURY OLD

was built more than a century ago, the interstate commerce of

DEVELOPMENTS

Pollowing are the railroad strike developments today: CHICAGO - The railroad labor board having falled in its conferonce with the brotherhood leaders. last night sends its report to Presi-

dent Harding. Eleven "standard" unions continue meetings in effort to reach a common agreement on the stand they will take in event a strike takes place.

Managers of the western roads meet to discuss plans to keep the roads in operation.

WASHINGTON-Government of ficials awaiting official report from labor board before taking next step in effort to prevent walkout. CLEVELAND-Brotherhood chiefs return to their headquarters and continue with strike plans.

ST. LOUIS - Managers of the southwestern roads meet to arrange their program for operation of the roads in event of strike.

SAN ANTONIO - Six hundred members of Brotherhood of Railroad Trainmen employed on International and Great Northern prepare to walk out at noon tomerrow, the first union authorized to quit under the strike order is sued here last Saturday.

CHICAGO-Packers began storing fresh meats for emergency use in event of a railroad strike. Preparations are being made, it was said, to stock strategic distributing centers to the maximum.

BROCK FARMER IS ACQUITTED AFTER LONG COURT SIEGE

With Shooting Chas. Spears From Ambush in 1919

Oklahoma vs. Ira Hammer, charged board. Coming here in the belief the with the murder of Charles Spears, the board would present a concre

meeal their disappointment that the attorneys to have shot Spears from ing basis toward clearing up the situ-"Yesterday's optimism was notice ambush on the merning of June 3, ation. The union chiefs steadfastly and in its place was a seeming resignation to the belief that the strike against Spears prior to the killing out,

room at about 5 o'clock Wednesday bers said the way was still open his return from Chicago where the afternoon for the purpose of again again call the union presidents in hearing the testimony as offered dur- settlement conference. sion yesterday with the United States ing the trial by Sheriff Buck Gar-The defendant was brought into the courtroom, and the circk as the government's first effort to read Carrett's testimony which was prevent the strike a failure, attention to the effect that Spears had made a statement to him after he had been shot that he was going to die and that Hammer had waylaid him. The wounded man had informed Carrett that he had not seen. Hammer, but

by him. In defense of his father, Younger spread plet to attack Americans in Hammer had been tried on the and recent prizes in New York at same charge last April and at the All the letters protested against time was found gulity and sentenced

Police Probe Accident of Near Electrocution

ORLAHOMA CITY, Oct. 21.-Police here today conducted an investigation into circumstances which led up to ponies sell for as bigh as \$1,000. an accident last night in which Groge B. Shaw, a motorist, narrowly escaped electrocution. Shaw drove his automobile into a tangle of live wires on a street in a residential section. The car was overturned but Shaw was un injured. He reported the accident to may cope from the proposed calcust the police and it was found that an trike, as a result of a message is unknown motorist had run his ear letting the wires drop to the pave-"the railroads must operate," called Oklahoma Gas and Electric Company, When the police notified the

Passenger Rates to Be Increased Nov. 1

OKLAHOMA CITY, Oct. 21.-Pase LONDON, Oct. 21.-Discovery that senger rates are to be increased 20 dollar mark shares honors with a per cent Nov. 1, and freight rates lover's knot over the "bridal on- 35 per cent Nov. 20, throughout the trance" to a New York Fifth Avenue state as a result of an order issued church has been followed by the by the corporation commission here finding of this inscription on a which resembled a previous order by window just restored in the church June 6, when the commission reof St. Cathrine Cree. The church voked rulings allowed the carriers by

Officials Moving at Double Time to Prevent Walkout and Get Lines in Hand for Emergency

CHICAGO, Oct. 21. - The United States railroad labor board, having admittedly failed in its attempt to prevent a rail strike through conference with heads of the "Big Five" rall unions, labor chiefs today were pushing plans for a general walkout beginning October 30, and officials of the board were moving at double time in their efforts to combat the proposed strike.

The conference yesterday between the board and five union heads-Warren S. Stone of the engineers; Lee Sheppard of the conductors: T. C. Cashen of the switchmen; W. G. Lee of the trainmen and W. S. Carter of the firemen-brought no result but as admission from the board that the first effort of a governmental agency to avert a strike failed completely and statements from the union chiefs that the meeting resulted only in "the labor board being convinced that the unions

really mean to strike. Several railroad union men said that "looked as if only government itself could prevent a Stone, Mr. Lee and Mr. Carter were in Cleveland today meeting formally with their executive committees 1 complete strike plans, while Mr. Car hen was directing activities in the switchmen's unions from Buffalo an Sheppard in Cedar Itapids, was rounding out the final details for his or ganization... The executive commit

es of all five unions will meet in Cleveland Monday. Carriers of West Meet On the carriers' part heads of west ern roads met in Chicago and con ferred for the purpose of forming dans for combatting a strike while similar meeting of southwester roads was held in St. Louis. At each meeting, road presidents were quotas saying, that their plans would b rushed at the utmost speed as a re sult of the fallure of the railro labor board conference to brighten the

admiftedly grave situation.. The uni heads, before their departure for the organization headquarters expressed to sentment over the meeting with th The proposals submitted by the returned a verdict of not guilty at plan of settlement, they claimed the more, and do our part in furthering board followed closely the advance 10.20 o'clock Thursday night. The nothing but words," in typing to aver offer, and the milroad brotherhood case and been placed in the hands of a walkoul, merely trying to dissund the jury at 5:30 o'clock Wednesday them from carrying out the strike and presenting nothing which they Hammer was alleged by state's considered as even a tangible work

> mation to the belief that the strike when, it was said, Spears had been was now inevitable unless President Harding assumed the initiative with drastic step.
>
> While adjournment of last night's conference was termed by Judge R. M. Barton, chairman of the board, as Prior to rendering its verdict, the "final adjournment," with no plans jury in the case entered the court for the immediate future, board mem-

> > "Standard" Unions Considered With what was considered by many (Continued on Page Two)

Texas Cow Town Also Raises Polo Ponies

MIDLAND, Texas, Oct. 21 .- This equi-distant from Et Pass and Fart Worth, also claims to se a polo pony town. It is said to be the greatest shipping depot for pole are submitted by men in the pony raising business to prove it.

Pola ponies radden in the big games played in the north and east are Midland taked beeses-at least many Snal and Hackleberry Slim won first In the international 1921 pole garner

played in Landon the American Seam won, and one of the ponies of the winning team, Lucky Strike, was a Midland product. Midland ships about 200 first class pole ponies evers year to northern and eastern cities, G. O. Cayle of Midland, said to be the heaviest shipper here, declare, a good polo pany la born, not made said the best pole peny is one about 15 hands high, weighs between 950 and 1100 pounds, is a quick starter, fast, and easily reined. The

Lost Girl Returns Home RICHMOND, Va., Oct. 21. - Mist

Thelma Roland, who was reported by a dispatch from Gallipolis, Ohio, yes erday, to have mysteriously don peared is now at her home here a said today that she returned to the city with her mother from Pola Pleasant about three weeks ago.

ADMINISTRATION OF LAW

IS FUNNY TO SOME FOLK

Everyone has his or her own we of getting around the law, accord to the lawyers, and some of the have been trying to make ring ound Police Judge Sullivan. Thursday an offender asked for trial by jury when he learned that a fine of \$2.50 would be tag ged on him for running a car roverse on Main street. He hired himself a lawyer, pe

Friday morning he presented I self and paid off gladly.

\$3 as cost of court-and was